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EXAMINER	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/923,202
Filing Date: August 06, 2001
Appellant(s): MCCALL, JOHN E

David Wier (48,229)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1-13-2006 appealing from the Office action mailed 6-13-05

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,694,323	KOROPITZER et al	12-1997
4,905,163	GARBER et al	2-1990
5,961,561	WAKEFIELD, II	10-1999
4,707,484	DURSTON et al	11-1987

5,919,183 ZIEGRA et al 4-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9a. Claims 1-2, 6, 8-13, 43-44, 48, 50-55, 80-97 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koropitzer et al (5,694,323) in view of Garber et al (4,905, 163).

As per Claim 1.

Koropitzer et al ('323) discloses:

receiving a plurality of collected data relating to a destination facility, each of the plurality of collected data being associated with one of a plurality of data types, see column 4, lines 1-30;

generating data conclusions based on an analysis between each of the plurality of collected data and an advisory rule corresponding to the data type of the collected data being analyzed, see column 9, lines 26-64 and column 10, lines 3-34;

mapping the data conclusions to advisory information, see column 9, lines 61-64;

storing advisory information in a storage module for subsequent access by the field service providers, see column 11, lines 42-59;

receiving a request from a specific field services provider for presentation of specific advisory information, the request comprising a provider identification code associated with the specific field service provider, see column 12, lines 34-36 and column 10, lines 4-7;

in response to receipt of the request, retrieving the specific advisory information from the storage module based on the provider identification code, see column 12, lines 32-51;

presenting the specific advisory information to the specific field services provider through the network device, see column 12, lines 44-51.

Koropitzer et al ('323) does not specifically disclose a plurality of data types and retrieving an identification code representative of a specific data type of advisory information

that the field service provider is authorized to access and retrieving advisory information from a specific data type record based on the provider identification code.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types and provide access based on a provider identification code for the benefit of providing appropriate levels of access to data.

As per Claim 2, 44.

Koropitzer et al ('323) further discloses the receiving act comprises:

collecting device data associated with utility devices maintained at the destination facility, see column 4, lines 1-44;

collecting business data associated with a customer of a service providing company employing the field service provider to provide a service to the customer at the destination facility, see column 9, line 65 – column 10, line 13; and

collecting census data associated with the destination facility, see column 10, lines 1-13.

As per Claim 6.

Koropitzer et al ('323) further discloses providing the specific advisory information as a script in a format based on the network device through which the specific field service provider is communicating to the computer through the network, see column 11, lines 50 – column 12, line 3.

As per Claim 8, 50.

Koropitzer et al ('323) further discloses the script is a visual format, see column 11, lines 60-64.

As per Claim 9, 51.

Koropitzer et al ('323) further discloses the script is a text format, see column 11, lines 60-64.

As per Claim 10, 52.

Koropitzer et al ('323) further discloses the specific field service provider provides a service at the destination facility based on the specific advisory information, see column 10, lines 1-7.

As per Claim 11, 53.

Koropitzer et al ('323) further discloses:

the storage module further comprises a plurality of customer account records, the advisory information to which each data conclusion is mapped being further categorized in the storage module within the customer account records, see figures 9, 6, 7;

Koropitzer et al ('323) does not specifically disclose accessing the specific data type record and a specific customer account record based on the provider identification code.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types and provide access based on a provider identification code for the benefit of providing appropriate levels of access to data.

As per Claim 12, 54.

Koropitzer et al ('323) further discloses:

the storage module further comprises a plurality of customer account records, the advisory information to which each data conclusion is mapped being further categorized in the storage module within the customer account records, see figures 9, 6, 7, the retrieving act comprises:

accessing a specific customer account record based on a customer account code input into the computer network by the specific field service provider communicating via the network device, wherein the specific data type record is one of the plurality of data type records associated with the specific customer account record, see figures 9, 6, 7;

Koropitzer et al ('323) does not specifically disclose data type records.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types for the benefit of providing appropriate levels of access to data.

As per Claims 13, 55.

Koropitzer et al ('323) does not disclose the provider's identification code comprises a specialty area code corresponding to a specialty area associated with the specific field service provider, the act of accessing a specific data type record comprising:

selecting the specific data-type record based on the specialty area codes.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types for the benefit of providing appropriate levels of access to data.

As per Claim 48.

Koropitzer et al ('323) further discloses the advisory information is in the form of a script in a format based on the network device through which the field service provider is connected to the advisory module, see figures 6-7.

As per Claim 43.

Koropitzer et al ('323) discloses:

receiving a plurality of collected data relating to a destination facility, each of the plurality of collected data being associated with one of a plurality of data types, see column 4, lines 1-30;

generating data conclusions based on an analysis between each of the plurality of collected data and an advisory rule corresponding to the data type of the collected data being analyzed, see column 9, lines 26-64;

mapping the data conclusions to advisory information, see column 9, lines 61-64;

storing advisory information in a storage module for subsequent access by the field service providers, see column 11, lines 42-59;

receiving a request from a specific field services provider for presentation of specific advisory information, the request comprising a provider identification code associated with the specific field service provider, see column 12, lines 34-36 and column 10, lines 4-7;

in response to receipt of the request, retrieving the specific advisory information from the storage module based on the provider identification code, see column 12, lines 32-51;

presenting the specific advisory information to the specific field services provider through the network device, see column 12, lines 44-51.

Koropitzer et al ('323) does not specifically disclose a plurality of data types and retrieving an identification code representative of a specific data type of advisory information that the field service provider is authorized to access and retrieving advisory information from a specific data type record based on the provider identification code.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types and provide access based on a provider identification code for the benefit of providing appropriate levels of access to data.

As per Claim 80, 89.

Koropitzer et al ('323) does not specifically disclose the provider identification code comprises a specialty area code corresponding to a specialty area associated with the specific field service provider, the retrieving act comprising selecting the specific data type record based on the specialty area code.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types and provide access based on a provider identification code for the benefit of providing appropriate levels of access to data.

As per Claim 81, 90.

Koropitzer et al ('323) further discloses one or more business data type records and one or more device data type records, see column 9, line 65 – column 10, line 13.

As per Claim 82, 91.

Koropitzer et al ('323) does not specifically disclose the provider identification code represents that the specific field service provider is authorized to access advisory information derived from device data, the retrieving act comprising:

accessing the specific data type record from the one or more device data type records and retrieving advisory information therefrom.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types and provide access based on a provider identification code for the benefit of providing appropriate levels of access to data.

As per Claim 83, 94.

Koropitzer et al ('323) does not specifically disclose the provider identification code represents that the specific field service provider is authorized to access advisory information derived from business data, the retrieving act comprising:

accessing the specific data type record from the one or more device data type records and retrieving advisory information therefrom.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types and provide access based on a provider identification code for the benefit of providing appropriate levels of access to data.

As per Claim 84, 93

Koropitzer et al ('323) further discloses one or more business data records and one or more device data records, see column 9, line 65 – column 10, line 13, but does not disclose they are stored in device data type record, business data type record and storing advisory information derived from the collected census data in the census data record type, but the storing of this data does not patentably distinguish over the prior art because the data are not utilized.

As per Claim 85, 94.

Koropitzer et al ('323) further discloses collecting device and business data, see column 9, line 65 – column 10, line 13.

As per Claim 86, 95.

Koropitzer et al ('323) further discloses storing business data, device data and advisory data, see column 9, line 65 – column 10, line 13, but does not disclose they are stored in device data type record, business data type record but the collection of this data does not patentably distinguish over the prior art because the data are not utilized.

As per Claim 87, 96.

Koropitzer et al ('323) further discloses:

customer account records, see figures 9, 6, 7, but does not disclose the retrieving act comprises:

accessing a specific customer account record based on the provider identification code.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types for the benefit of providing appropriate levels of access to data.

As per Claim 88, 97.

Koropitzer et al ('323) further discloses device data and business data and customer accounts, see column 9, line 65 – column 10, line 13, see figures 9, 6, 7 but does not disclose the retrieving act comprises:

accessing a specific customer account record based on the provider identification code.

Garber et al (4,905,163) teaches a plurality of data types (definitions) for providing advisory information based on provider identification code, see column 33, lines 30-43 for the benefit of providing appropriate access to data.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to store data in a plurality of data types for the benefit of providing appropriate levels of access to data.

9b. Claims 3, 45, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koropitzer et al (5,694,323) in view of Garber et al (4,905, 163) further in view of Wakefield (5,961,561).

As per Claim 3, 45.

Koropitzer et al ('323) does not disclose a wireless network.

Wakefield ('561) teaches transmitting advisory information to the field service provider via the wireless interface module, see figure 1, column 6, lines 14-49 for the benefit of enabling a technician to analyze the error code and take necessary steps to eliminate the error code.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit the advisory data wirelessly for the benefit of enabling a technician to analyze the error code and take necessary steps to eliminate the error code.

As per Claim 47.

Koropitzer et al ('323) does not disclose a wireless telephone.

Wakefield ('561) teaches transmitting advisory information to the field service provider via the wireless interface module, see figure 1, column 6, lines 14-49 for the benefit of enabling a technician to analyze the error code and take necessary steps to eliminate the error code.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit the advisory data wirelessly for the benefit of enabling a technician to analyze the error code and take necessary steps to eliminate the error code.

9c. Claims 4, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koropitzer et al (5,694,323) in view of Garber et al (4,905, 163) further in view of Wakefield (5,961,561) further in view of Durston et al (4,707,848).

As per Claims 4, 46.

Koropitzer et al ('323) does not specifically disclose transmitting advisory information to the field service provider as the field service provider is in transit between a first destination facility and a second destination facility.

Durston et al ('848) teaches providing off-duty communications with a central office without technician intervention, which is seen to be between a first destination facility and a second destination facility, see abstract, for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to transmit information to the field service provider between a first destination and a second destination as taught by Durston et al ('848) for the benefit of allowing the field service provider to go directly to the next destination without checking back in to the headquarters for new assignments.

9d. Claims 5, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koropitzer et al (5,694,323) in view of Garber et al (4,905, 163) further in view of Wakefield (5,961,561) further in view of Durston et al (4,707,848) further in view of Ziegra et al (5,619,183).

As per Claims 5, 49.

Koropitzer et al ('323) does not disclose the advisory is audio.

Ziegra et al ('183) teaches text audio and video links for the operator to review, see column 8, lines 32-45 for the benefit of offering the technician information in multiple formats.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an audio advisory as taught by Ziegra et al ('183) in the invention of Koropitzer et al ('323) for the benefit of offering the technician information in multiple formats.

9e. Claims 7, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koropitzer et al ('323) in view of Garber et al (4,905, 163) further in view of Ziegra et al (5,619,183).

As per Claims 7, 45.

Koropitzer et al ('323) does not disclose the advisory is audio.

Ziegra et al ('183) teaches text audio and video links for the operator to review, see column 8, lines 32-45 for the benefit of offering the technician information in multiple formats.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to send an audio advisory as taught by Ziegra et al ('183) in the invention of Koropitzer et al ('323) for the benefit of offering the technician information in multiple formats.

(10) Response to Argument

As per argument 1 – Koropitzer's teaching.

Koropitzer et al ('323) discloses monitoring of washing machines for both financial, maintenance and operational information, with data at the MCU the remote monitoring site and at the SCU (site controller unit) that is further connected to the ICU (internal control units) of the washing machines, see column 10, lines 3-34 and figures 1A and 2B, provides analysis of malfunctions, see column 10, lines 3-4, the field-service provider (mechanic) can access the SCU and the service provider is identified by identifying information which is stored by the ICU, see column 10, lines 5-7, and so teaches an identification code specific to the user.

As per argument 2 - Garber's teaching.

Since Koropitzer et al ('323) teaches identifying information, it is clear that the doctor, nurse or medical technician of Garber et al ('163) would also be identified by an identification code specific to the user.

Garber et al ('163) discloses the function of selecting displayed content based on the user (doctor, nurse, medical technician), see column 33, lines 29-43.

As per argument 3 – motivation to combine.

Garber et al ('163) teaches the selection of displayed content based on the user for the purpose of providing content appropriate to the user's access level, see column 33, lines 29-43 and further for the purpose of limiting access, see column 34, lines 4–6.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Thomas A. Dixon, Primary Examiner

Conferees:

John Weiss, SPE 3-22-06

Igor Borissov, Primary Examiner 7-22-06